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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Andrea Middleton,

10 Plaintiff,

11 v.

12 City of Tucson, et al.,

13 Defendants.
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No. CV-15-00185-TUC-JGZ (BGM)

ORDER

15 Pending before the Court is a Report and Recommendation issued by United
16 States Magistrate Judge Bruce G. Macdonald that recommends granting Defendant
17 Greene's Motion to Dismiss the claims pleaded against him. (Doc. 9.) No objection to the
18 Report and Recommendation was filed by Plaintiff. "When no timely objection is filed,
19 the court need only satisfy itself that there is no clear error on the face of the record in
20 order to accept the recommendation." Fed. R. Civ. P. 72, Adv. Comm. Notes to 1983
21 Am.

22 The Court has reviewed the record and concludes that Magistrate Judge
23 Macdonald's recommendations are in accordance with the controlling law in this Circuit,
24 and are therefore not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72;
25 *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *see also Conley v.*
26 *Crabtree*, 14 F.Supp.2d 1203, 1204 (D. Or. 1998). As thoroughly explained by
27 Magistrate Judge Macdonald and as acknowledged by Plaintiff's counsel, *Miller v.*
28 *Maxwell's Int'l Inc.*, 991 F.2d 583 (9th Cir. 1993), precludes a finding of individual

1 liability under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*

2 Accordingly, IT IS HEREBY ORDERED as follows:

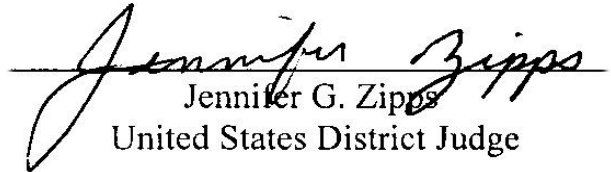
- 3 1. The Report and Recommendation (Doc. 25) is accepted and adopted;
- 4 2. Defendant Greene's Motion to Dismiss (doc. 9) is GRANTED. Plaintiff's
- 5 claims against Defendant Greene under Title VII of the Civil Rights Act of
- 6 1964 are dismissed. As there are no remaining claims against Defendant
- 7 Greene in his individual capacity, Defendant Greene is dismissed from the
- 8 action without prejudice.

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10 Dated this 13th day of May, 2016.

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Jennifer G. Zipps
United States District Judge

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